

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NADER CHEETANY, *et al.*,

Plaintiff,

vs.

PETER M. BERGSTROM, *et al.*,

Defendants.

Case No.: 2:20-cv-01692-GMN-DJA

ORDER

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 16), of United States Magistrate Judge Daniel J. Albregts, which recommends granting in part and denying in part Plaintiffs Nader Cheetany, Eva Garcia-Mendoza, Esad Morina, Martyn James Ravenhill’s (“Plaintiffs”) Motion for Default Judgment, (ECF No. 15).

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so has passed. (*See* Min. Order,

1 ECF No. 18) (setting a July 5, 2022, deadline for objections). The Court, thus, accepts and
2 adopts in full the R&R and grants in part and denies in part Plaintiffs' Motion. Consequently,
3 the Court grants the Plaintiffs' Motion for Default Judgment as it pertains to Plaintiffs': (1)
4 federal securities fraud claim; (2) state securities fraud claim; (3) fraudulent misrepresentation
5 claim; (4) deceptive trade practices and consumer fraud claim; and (5) conversion claim. The
6 Court, however, denies Plaintiffs' Motion for Default Judgment as it relates to Plaintiffs' unjust
7 enrichment claim. Additionally, insofar as Plaintiffs seek attorney's fees and costs, the Court
8 denies such a request.

9 Further, Plaintiffs shall be awarded as follows, jointly and severally against Defendants
10 Peter M. Bergstrom, Destination Online, L.L.C., and OURID, Inc.:

11 (1) Compensatory damages:

- 12 a. To Cheetany: \$80,000.00, plus judgment interest at \$11.51 per day from
13 December 7, 2020, until satisfied;
14 b. To Garcia: \$200,000.00, plus judgment interest at \$28.77 per day from
15 December 7, 2020, until satisfied;
16 c. To Ravenhill: \$1,000,000.00, plus judgment interest at \$143.84 per day from
17 December 7, 2020, until satisfied; and
18 d. To Morina: \$200,000.00, plus judgment interest at \$28.77 per day from
19 December 7, 2020, until satisfied.

20 (2) Punitive damages:

- 21 a. To Cheetany: \$250,000.00;
22 b. To Garcia: \$250,000.00;
23 c. To Ravenhill: \$250,000.00; and
24 d. To Morina: \$250,000.00.

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1 Accordingly,

2 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 16), is
3 **ACCEPTED and ADOPTED** in full.

4 **IT IS FURTHER ORDERED** that Plaintiffs' Motion for Default Judgment is
5 **GRANTED in part and DENIED in part**, consistent with this Order.

6 **IT IS FURTHER ORDERED** that the Clerk is instructed to close the case.

7 Dated this 6 day of July, 2022.

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11 Gloria M. Navarro, District Judge
12 United States District Court
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